IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THURSDAY, THE TWENTY SEVENTH DAY OF DECEMBER, TWO THOUSAND AND SEVEN

: PRESENT :

THE HONOURABLE SRI JUSTICE **G. CHANDRAIAH**

MA.CMA. MISCELLANEOUS PETITION No. 7057 of 2007

AND

MA.CMA.MP No. 3731 of 2007

MA.CMA.MP No. 3731 of 2007 :

Between :-

The National Insurance Company Ltd.,
Rep. by its Divisional Manager, Ananthapur.
Petitioner

(Appellant in MA CMA No.1528/07 on the file of the High Court)

AND

1.Obulappa, S/o Thimmappa,
R/o Ramanapalle Village, Narasapuram Post,
Belluguppa Mandal, Ananthapur District.
2.A.S. Hafeeza Bee, W/o A.S. Khaja Peera,
R/o 11/A/79-A, Uravakonda Village, Ananthapur District. … Respondents

(Respondents in –do-)

Petition under Section 151 of CPC praying that in the circumstances stated in the accompanying affidavit, the High Court may be pleased to stay all further proceedings including EP if any, filed in the order dated 07.06.2007 passed in OP No.62 of 2005, on the file of Chairman, MVACT-cum-IV Additional District Judge (FTC), Ananthapur, pending MA CMA No.1528 of 2007 preferred there from to the High Court.

MA.CMA.MP. No. 7057 of 2007 :-

Between :-

Obulappa S/o. Thimmappa
..Petitioner/Respondent No.1 in in MA.CMA.MP.No. 3731 of 2007.

A N D

1.The National Insurance Co. Ltd., rep. by its Divisional Manager, Anantapur.
2.A.S. Hafeeze Bee W/o. A.S. Khaja Peera.
(R2 is not necessary party in this petition).
..Respondents/Petitioner & Respondents in –do-

Petition under Section 151 CPC praying that in the circumstances stated in the counter affidavit filed therewith, the High Court may be pleased to vacate the interim orders passed in M.A.C.M.A.M.P.No. 3731 of 2007 in M.A.C.M.A.NO. 1528 of 2007 dated 27-07-2007.

These petitions coming on for hearing, upon perusing the petitions and the affidavit fled in MA.CMA.MP.No. 3731 of 2007 and the interim order of the High Court dated 27-07-2007 and made therein and the counter and reply affidavit filed therein and upon hearing the arguments of Sri Ramani Jonna, Advocate for Petitioner in MA.CMA.MPNo. 3731 of 2007 and Respondent No.1 in MA.CMA.MP.No. 7057 of 2007 and of Sri I. Venkata Prasad, Advocate for the Respondent No. 1 in MA.CMA.MPNo. 3731 of 2007 and Petitioner in MA.CMA.MP.No. 7057 of 2007.

The Court made the following **ORDER :-**

"Heard the learned counsel for the vacate petitioner-claimant as well as

the appellant-insurance company.

This court while admitting appeal on 27-07-2007, granted interim stay of execution of award and decree dated 7-6-2005 passed in O.P.No. 62 of 2005 on the file of the M.A.C.T.-cum-IV Additional District Judge, (FTC), Ananthapur subject to the petitioner depositing half of the award amount within six weeks from that date.

The learned counsel for the appellant submits that in compliance of the orders of this court, the appellant has deposited the amount.

The contention of the appellant that the driver of the offending vehicle was not having valid driving licence and the other grounds urged in the appeal will b decided at the time of final hearing of the appeal.

Contd…2..

The learned counsel for the vacate petitioner-claimant submits that the Tribunal has held that the driver is having valid licence and the insurance company is liable to pay compensation. Therefore, he prays to permit the claimant to withdraw the amount.

Having regard to the facts and circumstances of the case, the interim stay granted by this court on 27-07-2007 is made absolute and the vacate petitioner-claimant is permitted to withdraw the amount deposited by the appellant without furnishing any security, including interest and costs if any.

Accordingly, the vacate petition is disposed of."

ASSISTANT REGISTRAR

// TRUE COPY //
for ASSISTANT REGISTRAR

To
1.The Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge(FTC), Ananthapur.
2.The Divisional Manager, National Insurance Co. Ltd., Anantapur.
3.One CC to Sri I. Venkata Prasad, Advocate(OPUC).
4 One CC to Sri Ramani Jonna, Advocate(OPUC).
5.One spare copy.

TKK

HIGH COURT

GC.J

DATE: 27-12-2007.

ORDER

MA.CMA.MP. No. 7057 of 2007
IN
MA.CMA.MP No. 3731 of 2007
IN
MA.CMA. No. 1528 of 2007

INTERIM ORDER IS
MADE ABSOLUTE.

HIGH COURT

DRAFTED BY : TKK
DRAFTED ON: 22-01-2008.

GC.J

DT.27-12-2007.

ORDER

MA.CMA.MP. No. 7057 of 2007
IN
MA.CMA.MP No. 3731 of 2007
IN
MA.CMA. No. 1528 of 2007

INTERIM ORDER IS MADE ABSOLUTE.